



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 156, 157 and 158

No. 156 — Tuesday, 4 February 2014

- 1 The President took the Chair and read the Prayer.

[Sitting suspended from 2.10 p.m. until 3.13 p.m.]

- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

3 February 2014

The Hon. Bruce Atkinson MLC
President
Legislative Council
Parliament House
MELBOURNE VIC 3002

Dear President

I write to advise that Mr Philip Davis MLC called on me today and handed me his letter of resignation as Member of the Legislative Council for Eastern Victoria, effective from today. It seems that section 27A of the *Constitution Act 1975* requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Speaker and the Premier in like terms.

I enclose a copy of Mr Davis' letter for your records.

Yours sincerely,

Alex Chernov
Governor of Victoria

* * * * *

3 February 2014

His Excellency the Honourable Alex Chernov, AC, QC
Governor of Victoria
Government House
MELBOURNE VIC 3004

Your Excellency

I write to formally advise you that as of 3 February 2014, I resign as the Member for Eastern Victoria in the Legislative Council.

Under section 30 of the Constitution Act 1975, my resignation will take effect immediately when received by the Governor.

It has been an honour and a privilege to represent the people of Gippsland Province and the Eastern Victoria Region in the Victorian Parliament for the past 21 years.

The opportunity to contribute to public policy and its implementation by the enactment of legislation is a special gift delegated to a few by the people of Victoria. I have willingly respected this trust.

Please consider this letter, formal notification of my resignation from the Victorian Parliament and as the Member for Eastern Victoria.

Yours sincerely,

Philip R Davis MP

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Mr D.M. Davis moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Philip Rivers Davis and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 5 February 2014 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 3 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 17 December 2013, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

Disability Amendment Act 2013

Education and Training Reform Amendment (Dual Sector Universities) Act 2013

Justice Legislation Amendment (Miscellaneous) Act 2013

Owners Corporations Amendment Act 2013

Parks and Crown Land Legislation Amendment Act 2013

Transport (Compliance and Miscellaneous) Amendment (On-the-Spot Penalty Fares) Act 2013

Victoria Police Act 2013.

- 4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 5 PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Dalla-Riva presented Alert Digest No. 1 of 2014 (including Appendices and an Extract from the Proceedings of the Committee) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Australian Crime Commission —

Report, 2012-13.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2012-13.

Border Groundwaters Agreement Review Committee — Report, 2012-13.

Crown Land (Reserves) Act 1978 — Minister's Order of 27 December 2013 giving approval to the granting of a licence at Camperdown Public Park Reserve.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2013.

- Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner's Report, 2012-13.
- Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Murray-Darling Basin Authority — Report, 2012-13.
- Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Rural Drainage in Victoria.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Banyule Planning Scheme — Amendments C86 and C96.
 - Baw Baw Planning Scheme — Amendment C93.
 - Boroondara Planning Scheme — Amendment C191.
 - Brimbank Planning Scheme — Amendment C38.
 - Campaspe Planning Scheme — Amendment C102.
 - Cardinia Planning Scheme — Amendments C133 and C195.
 - Casey Planning Scheme — Amendment C184.
 - Frankston Planning Scheme — Amendments C74 and C78.
 - Glen Eira Planning Scheme — Amendments C80, C111 and C114.
 - Glenelg Planning Scheme — Amendment C76 Part 1.
 - Greater Bendigo Planning Scheme — Amendments C159 Part 1, C191 and C205.
 - Greater Dandenong Planning Scheme — Amendments C124 and C181.
 - Greater Geelong Planning Scheme — Amendments C233, C247 and C294.
 - Hume Planning Scheme — Amendment C154 Part 1.
 - Indigo, Mount Alexander and Greater Shepparton Planning Schemes — Amendment GC4.
 - Indigo Planning Scheme — Amendment C32.
 - Kingston Planning Scheme — Amendments C126 and C129.
 - Latrobe Planning Scheme — Amendment C79.
 - Loddon Planning Scheme — Amendments C28 and C30.
 - Maribyrnong Planning Scheme — Amendment C127.
 - Mildura Planning Scheme — Amendment C87.
 - Mitchell Planning Scheme — Amendment C94.
 - Moonee Valley Planning Scheme — Amendment C130.
 - Mount Alexander Planning Scheme — Amendment C69.
 - Murrindindi Planning Scheme — Amendments C36 and C42.
 - Nillumbik Planning Scheme — Amendments C60 and C89.
 - Port Phillip Planning Scheme — Amendment C130.
 - South Gippsland Planning Scheme — Amendments C73 and C83 Part 1.
 - Swan Hill Planning Scheme — Amendment C56.
 - Victoria Planning Provisions — Amendments VC99 and VC105.
 - Wellington Planning Scheme — Amendments C33 and C70.
 - Whittlesea Planning Scheme — Amendments C115 and C151.
 - Wyndham Planning Scheme — Amendment C193.
 - Yarra Planning Scheme — Amendment C203.
- Statutory Rules under the following Acts of Parliament:
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 156/2013.
 - Building Act 1993 — No. 161/2013.
 - County Court Act 1958 — Nos. 166 and 167/2013.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 164/2013.
 - Education and Training Reform Act 2006 — Nos. 157 and 172/2013.

- Environment Protection Act 1970 — No. 159/2013.
- Fisheries Act 1995 — No. 168/2013.
- Gas Safety Act 1997 — No. 158/2013.
- Infringements Act 2006 — No. 169/2013.
- Magistrates' Court Act 1989 — Nos. 177 and 178/2013.
- Police Regulation Act 1958 — No. 162/2013.
- Retirement Villages Act 1986 — Nos. 170 and 171/2013.
- Road Safety Act 1986 — Nos. 174 to 176/2013.
- Subordinate Legislation Act 1994 — Nos. 160 and 173/2013.
- Transport (Compliance and Miscellaneous) Act 1983 — No. 1/2014.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 165/2013.
- Water Act 1989 — No. 163/2013.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 141, 142, 149, 156 to 159, 161 to 178/2013 and 1/2014.
 - Legislative Instruments and related documents under section 16B in respect of —
 - Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas of 19 December 2013 made under the Building Act 1993.
 - Ministerial Order No. 625 – Procedures for Suspension and Expulsion of 23 December 2013 made under the Education and Training Reform Act 2006.
 - Quota Order for the Scallop Dive (Port Phillip Bay) Fishery of 19 December 2013 made under the Fisheries Act 1995.
 - Determination of Fees: Issue of Country and Metropolitan Hire Car Licences of 9 December 2013 made under the Transport (Compliance and Miscellaneous) Act 1983.
- Victoria Police — Chief Commissioner — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2012-13.
- Victorian Environmental Assessment Council Act 2001 — Government Response to Report on the Investigation into Additional Prospecting Areas in Parks, February 2014.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Courts and Other Justice Legislation Amendment Act 2013 — Remaining Provisions (except Division 1 of Part 3) — 1 February 2014; Division 1 of Part 3 — 1 July 2014 (Gazette No. S17, 28 January 2014).
- Justice Legislation Amendment (Miscellaneous) Act 2013 — Part 7 — 29 January 2014; Remaining Provisions of Part 6 — 3 March 2014 (Gazette No. S17, 28 January 2014).
- National Parks Amendment (Leasing Powers and Other Matters) Act 2013 — Part 2 — 19 December 2013 (Gazette No. S449, 17 December 2013).
- Road Legislation Amendment Act 2013 — Section 14 — 17 December 2013 (Gazette No. S449, 17 December 2013).
- Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Sections 28 and 29 — 20 December 2013; Part 6 — 17 February 2014 (Gazette No. S449, 17 December 2013).
- Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013 — Sections 23, 24(1), 26, 27, 28(2), 30, 31(1), 31(3) and 31(4) — 1 February 2014 (Gazette No. S17, 28 January 2014).

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BUDGET UPDATE, 2013-14 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Update, 2013-14.

6 PRODUCTION OF DOCUMENTS —

FIREFIGHTERS COMPENSATION ACTUARIAL ASSESSMENTS — The Clerk laid on the Table a letter from the Assistant Treasurer, dated 31 January 2014, together with summaries of information provided to the Government in response to the Resolution of the Council of 30

October 2013 seeking the production of documents relating to actuarial assessment and cost estimates of compensation for firefighters —

- advising that the release of such estimates would be prejudicial to the public interest and reveal deliberations of Cabinet and high-level deliberations of Government; and
- respectfully requesting that the Council not insist on the productions of the documents.

On the motion of Ms Hartland, the Minister's letter, together with the summaries of information, were ordered to be taken into consideration on the next day of meeting.

7 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 5 February 2014:

- (1) the Notice of Motion given this day by Mr Jennings expressing a lack of confidence in the ability of the Minister for Health to manage the health system in Victoria;
- (2) the Notice of Motion given this day by Ms Hartland referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery; and
- (3) the notice of motion given this day by Ms Hartland relating to the findings of the Economy and Infrastructure Legislation Committee's Report on the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

9 JOINT SITTING — CASUAL COUNCIL VACANCY — The Acting President read a Message from the Assembly informing the Council that they had agreed to meet the Council to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Philip Davis, and as proposed by the Council, agrees that the place and time of the Joint Sitting be the Legislative Assembly Chamber on Wednesday, 5 February 2014 at 6.15 p.m.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

11 COURT SERVICES VICTORIA BILL 2013 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

12 LOCAL GOVERNMENT AMENDMENT (PERFORMANCE REPORTING AND ACCOUNTABILITY) BILL 2013 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 BUSINESS OF THE COUNCIL — Mr Leane moved, by leave, That the Resolution of the Council this day fixing the order of precedence for General Business for Wednesday, 5 February 2014 be now amended as follows:

Omit sub-section (3) and insert:

- (3) Notice of Motion No. 714 standing in the name of Ms Hartland relating to documents detailing the CFA and VWA actuarial assessment and cost estimates for firefighters injured or deceased on the job.

Question — put and agreed to.

- 14 ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013 (No. 2)** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

- 16 SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Pennicuik —

- 17 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 157 — Wednesday, 5 February 2014

- 1 The President took the Chair and read the Prayer.

- 2 PETITION — SECONDARY SCHOOL IN MERNDA** — Mr Ondarchie presented a Petition bearing 762 signatures from certain citizens of Victoria requesting that the Government make allowances in the Budget to begin construction of a secondary school at the earliest possible date at Breadalbane Avenue, Mernda.

Ordered to lie on the Table.

- 3 PAPERS —**

RURAL AND REGIONAL COMMITTEE — TELECOMMUTING AND E-BUSINESS — Mr Drum presented a Report from the Rural and Regional Committee on Opportunities for People to Use Telecommuting and E-Business to Work Remotely in Rural and Regional Victoria (including Appendices), together with a Summary Booklet and Transcripts of Evidence.

Ordered to lie on the Table and the Report and Summary Booklet to be printed.

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Managing Emergency Services Volunteers, February 2014.

Oversight and Accountability of Committees of Management, February 2014.

Ombudsman — Report on Investigation into a complaint about the conduct of Authorised Officers on V/Line, February 2014.

Victorian Electoral Commission — Report to Parliament on the Lyndhurst District by-election held on 27 April 2013.

4 BUSINESS OF THE HOUSE — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted this day —

- (1) Messages;
- (2) Formal business;
- (3) Members' statements (up to 15 Members);
- (4) General Business;
- (5) At 12 noon Questions without notice;
- (6) Answers to Questions on notice;
- (7) General Business (continues);
- (8) At 4.30 p.m. Statements on reports and papers; and
- (9) At 5.30 p.m. Adjournment (up to 20 Members).

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

6 MINISTER FOR HEALTH — Mr Jennings moved, That this House expresses no confidence in the ability of the Minister for Health, Mr David Davis, MP, to acquit his responsibilities to manage and improve health services in Victoria and notes that despite the election promises made by Mr Davis on behalf of the Coalition to improve Victorian health services, the community has witnessed the following deterioration in health care —

- (1) 10,000 more Victorians are on the surgery waiting list than when the Government came to office;
- (2) there were 4157 fewer surgeries performed in 2012-13 than had been performed in 2010-11;
- (3) state-wide response times for Ambulance Code 1 emergency callouts has worsened in each year of this Government;
- (4) the most recent evidence shows that adult cardiac survival rates have worsened;
- (5) ambulance ramping at hospitals delaying patients transfers into Emergency Departments rose to 13,178 per month in 2012-13;
- (6) during 2012-13, 29% of Victorian patients were not treated within required times in emergency departments with one in three patients staying longer than 4 hours and more than 2,000 people staying longer than 24 hours; and
- (7) as highlighted in a recent survey by nurses into available beds, which corroborates national reports by the Australian Institute of Health and Welfare, the number of Victorian hospital beds has gone down.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Standing Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

8 MINISTER FOR HEALTH — Debate continued on the question, That this House expresses no confidence in the ability of the Minister for Health, Mr David Davis, MP, to acquit his responsibilities to manage and improve health services in Victoria and notes that despite the election promises made by Mr Davis on behalf of the Coalition to improve Victorian health services, the community has witnessed the following deterioration in health care —

- (1) 10,000 more Victorians are on the surgery waiting list than when the Government came to office;
- (2) there were 4157 fewer surgeries performed in 2012-13 than had been performed in 2010-11;
- (3) state-wide response times for Ambulance Code 1 emergency callouts has worsened in each year of this Government;

- (4) the most recent evidence shows that adult cardiac survival rates have worsened;
- (5) ambulance ramping at hospitals delaying patients transfers into Emergency Departments rose to 13,178 per month in 2012-13;
- (6) during 2012-13, 29% of Victorian patients were not treated within required times in emergency departments with one in three patients staying longer than 4 hours and more than 2,000 people staying longer than 24 hours; and
- (7) as highlighted in a recent survey by nurses into available beds, which corroborates national reports by the Australian Institute of Health and Welfare, the number of Victorian hospital beds has gone down.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Ms Hartland
 Mr Leane
 Mr Lenders
 Mr Melhem
 Ms Mikakos
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Somyurek (*Teller*)
 Mr Tee
 Ms Tierney

NOES, 19

Mr Atkinson
 Mrs Coote
 Ms Crozier
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr Drum
 Mr Elsbury (*Teller*)
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mrs Millar
 Mr O'Donohue
 Mr Ondarchie
 Mrs Peulich
 Mr Ramsay
 Mr Rich-Phillips

Question negatived.

9 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — HEATWAVE PLANNING, RESPONSE AND RECOVERY — Ms Hartland moved, That this House —

- (1) notes that from 14 to 17 January 2014, Victoria experienced an unprecedented heatwave with the hottest four day period on record for both maximum and daily mean temperatures;
- (2) acknowledges with great sadness, the loss of life due to this heatwave that engulfed Victoria and offers our sincere condolences to those families;
- (3) highly commends the hard work and dedication of staff and volunteers of emergency services, community based health services, local governments and community organisations who responded to the heatwave emergency in extremely difficult conditions;
- (4) recognises that 2013 was Australia's hottest year on record and that climate change is increasing and will continue to increase the frequency, duration and intensity of heatwaves in Victoria; and
- (5) refers to the Legal and Social Issues References Committee for inquiry, consideration and report by 19 August 2014 the heatwave planning, response and recovery with reference to —
 - (a) the adequacy of the Heatwave Plan for Victoria to address the threat to health and life posed by the January 2014 heatwave;
 - (b) the adequacy of emergency services, local government and other key community agencies' heatwave action plans and how effectively they were able to be implemented;

- (c) how effectively Victorians who are most vulnerable to heatwaves, were protected and supported to manage the heat health threat; and
- (d) opportunities for improvement, including considering a whole of government integrated approach, similar to that taken for bushfire emergencies.

Debate ensued.

Business having been interrupted at 4.30 p.m. pursuant to an Order of the Council this day, the debate stood adjourned in the name of Ms Crozier.

10 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

11 ADJOURNMENT — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.55 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 158 — Thursday, 6 February 2014

1 The President took the Chair and read the Prayer.

2 JOINT SITTING — CASUAL COUNCIL VACANCY — The President reported that the House met with the Legislative Assembly on Wednesday, 5 February 2014 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Philip Davis and that Mr Andrew Mark Ronalds was elected to hold the vacant place in the Legislative Council.

3 DECLARATION OF ALLEGIANCE — Mr Andrew Mark Ronalds, having been introduced, approached the Table and took and subscribed the Oath required by law.

4 CRIMES AMENDMENT (GROOMING) BILL 2013 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Sex Offenders Registration Act 2004, the Sentencing Act 1991 and the Victims' Charter Act 2006 in relation to a new offence of grooming for sexual conduct with a child under the age of 16 years and for other purposes* and requesting the agreement of the Council.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

5 SITTING OF THE COUNCIL — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 18 February 2014.

Question — put and agreed to.

6 PARLIAMENTARY COMMITTEES — Mr D.M. Davis moved, by leave, That Mr Ronalds be a member of the Accountability and Oversight Committee and the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

Question — put and agreed to.

7 PRIVILEGES COMMITTEE AND HOUSE COMMITTEE — Mr D.M. Davis moved, by leave, That Mrs Peulich be a member of the Privileges Committee and the House Committee.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 713, be postponed until later this day.

10 BLACK SATURDAY BUSHFIRES — Mr D.M. Davis moved, That this House —

- (1) notes with sorrow that it is five years since the Black Saturday bushfires, in which lives, homes, and property were lost;
- (2) remembers with deep heartache and sadness, the tragic loss of 173 Victorians and the devastating and everlasting impact that has had on affected families;
- (3) praises those Victorians who have stood shoulder to shoulder to rebuild their communities, and have shown such great resilience and strength after suffering the worst losses imaginable;
- (4) recalls the heroic efforts of volunteers, community members and emergency service personnel who supported those in need during, and after, the fires; and
- (5) notes that fires have again affected Victorian communities in recent weeks, and pledges to support our friends and neighbours as they recover and rebuild.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

11 INAUGURAL SPEECH — Mr D.M. Davis moved, That contingent upon his appointment by the joint sitting on Wednesday, 5 Wednesday 2014, the inaugural speech of Mr Andrew Ronalds be now heard.

Question — put and agreed to.

12 ACTING PRESIDENT'S PANEL — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —
Mr Cesar Melhem

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 6 February 2014.

BRUCE ATKINSON
President of the Legislative Council

13 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

14 STANDING ORDERS — Mr D.M. Davis moved, That the Standing Orders of the Legislative Council be amended as follows:

After Standing Order 23.22(4), insert —

- “(5) A committee may take evidence in any manner that the committee considers appropriate including by means of audio link, audio visual link or any other electronic means.
- (6) A committee must determine what weight or value to give to evidence received by different means in accordance with Standing Order 23.22(5).
- (7) Without limiting or affecting the generality of section 19A of the *Constitution Act 1975*, evidence given before a committee in accordance with Standing

Order 23.22(5) must, if the committee so requires, be given on oath or affirmation.

- (8) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either —
- (a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
 - (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.”.

Debate ensued.

Question — put and agreed to.

- 15 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Standing Orders —

- 16 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 17 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds (*Teller*)

Mr Scheffer (*Teller*)

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

18 PLANNING AND ENVIRONMENT ACT 1987 — PLANNING SCHEME AMENDMENTS —

Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Brimbank Planning Scheme Amendment C147 and Hume Planning Scheme Amendment C170 be ratified.

Debate ensued.

Question — put and agreed to.

19 ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION) BILL 2013 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

20 ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE — The Acting President read a letter from the Hon. Christine Fyffe resigning from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

21 APPOINTMENT TO COMMITTEES — Mr D.M. Davis moved, by leave, That —

- (1) Mr Elsbury be discharged from the Environment and Planning Legislation and References Committees and be appointed to the Legal and Social Issues Legislation and References Committees;
- (2) Mrs Peulich be discharged from the Legal and Social Issues Legislation and References Committees and be appointed as a participating Member of the Legal and Social Issues Legislation and References Committees; and
- (3) Mr Ronalds be appointed to the Environment and Planning Legislation and References Committees.

Question — put and agreed to.

22 ADJOURNMENT — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.33 p.m., adjourned until Tuesday, 18 February 2014.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 156, 157 and 158

Tuesday, 4 February 2014

1 ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013 (No. 2)

Clause 1 — Mr Barber moved —

1. Clause 1, page 2, lines 1 and 2, omit "in respect of the submission, review and approval of" and insert "in relation to".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Ms Hartland
Mr Leane
Mr Lenders
Mr Melhem
Ms Mikakos
Ms Pennicuik
Ms Pulford (*Teller*)
Mr Scheffer
Mr Somyurek
Mr Tee
Ms Tierney

NOES, 18

Mrs Coote
Ms Crozier
Mr Dalla-Riva
Mr D.M. Davis
Mr Drum (*Teller*)
Mr Elsbury
Mr Finn
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell
Mrs Millar
Mr O'Brien
Mr O'Donohue
Mr Ondarchie
Mrs Peulich
Mr Ramsay (*Teller*)
Mr Rich-Phillips

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 23 — put and agreed to.

Bill reported without amendment.

Thursday, 6 February 2014

1 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013

Clauses 1 to 49 — put and agreed to.

Bill reported without amendment.